

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
VS)	INDICTMENT NO. 04-10260RCL
)	
CARLOS A. HOWELL)	
)	
Defendant.)	

**DEFENDANT CARLOS A. HOWELL'S ASSENTED TO MOTION TO
CONTINUE SENTENCING DATE**

The Defendant Carlos A. Howell (the "Defendant"), in the above-numbered Indictment and through Counsel, moves this Honorable Court to continue his sentencing date from its presently scheduled date of October 18, 2005 for a period of two months.

In support of this motion the defendant states that counsel is presently scheduled to commence trial in the matter of United States v. Mazzola on October 17, 2005 before (Stearns, J.). This trial is expected to last from three to four weeks. Counsel is unsure of whether Judge Stearns is planning to try this case on a full or half day schedule thus making counsel unavailable. Additionally, counsel needs additional time to properly prepare for sentencing and obtain correct and accurate records of the defendant's prior convictions. Although the defendant's record is long he may actually not be a Career Offender under the United States Sentencing Guidelines and several of the courts have been less than cooperative with both defense counsel and probation. As such counsel needs additional time to obtain these records and properly prepare for sentencing in this matter.

This matter is assented to by the Government and Probation.

Respectfully submitted,
CARLOS A. HOWELL,
Defendant,
By Counsel:

‘/s/Walter H. Underhill, Esquire’
WALTER H. UNDERHILL
66 Long Wharf
Boston, Massachusetts 02109
(617) 523-5858

DATED: September 12, 2005

RULE 7.1 CERTIFICATION

The parties have had an opportunity to confer on this motion and the motion is assented to by the attorney for the Government, Nancy Rue, Esquire.

SIGNED: ‘/s/Walter H. Underhill, Esquire’

DATE: September 12, 2005